P7. 56-92.

G. R. S. IX-5]

Previous references. 1891-92

192 .

File No 1

Serial Nos. 1

Later references. (A. A)

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-8

In ~~Part~~ B for December 192

SUBJECT.

Appeal of Gurumallaiah for the Patta [illegible]
of Nidegonja Village, Chickmagalur [illegible]

Countersigned

WD 2238—GPB—20,000—14-6-20

11

Memo

Guru mallaya
of Hiri Sanya
Chikkanagalu H. } Rs 5[illegible]
(Left)

to

1. Jamme Sanda
2. Mahadeva Sanda
Minor by guardian
Mallamma } Rs 5[illegible]
(Left)

Prior to the Potisi settlement
of 1874 the 2nd. Respdt Sanda-
father Muoi Sanda &
another Siddi Sanda
were the Registered
During the Potisi settle-
ment (1874) they
arranged between them-
selves that the former
through his son Lingo
Sanda should be the
Patel of Hiri Sanya,
& the latter that of the
Dakkla village of
Ranganballi. Lingo
Sanda was accordingly
appointed Patel of
Hiri Sanya & Siddi
Sanda

of Kampankali. In June
1876 Lingu Gauda (2nd respdt
Hulli) was dismissed
for having failed
to keep Dank bullocks,
and the Appellant,
a brother in law of
Lingu Gauda, was appointed
Patel on his offering to
keep a pair of bullocks.
In 1881 Neillson
decided that the Dakkla
village of Kampankalli
should be given to
the Appellant on con-
dition of his keeping
another pair of bullocks.
This order was made
as a separate Patel
for the Dakkla village
was found unnecessary
The Appellant having
failed to fulfil this
condition prescribed,
he was suspended
in 1889, and the
1st Respondent having
offered to maintain
2 pairs of bullocks he
was appointed to do
the duties in 1890.
The Appellant appealed
to Govt against the
order of his suspension.
The Govt in Ro: dated
27th July 1890, No. 4136
144

ordered that as the Abbot promised to supply bullocks he might be restored to office. The 1st Respt. brought a regular suit in October 1890 claiming the Patels office. The 2nd Respt. (minor) was subsequently added as Plff. The Govt. Asst. Comr then in charge of the District gave a decree declaring that the Respondents were entitled to the Patels 'kat' of Hiri Sampa- date is July 1891.

The present appeal is against the above decree. The grounds of appeal are —

1. The suit is time-barred.
2. The office was not hereditary to the Plffs' family
3. The Plffs have no right & cannot maintain the suit.
4. The order of dismissal of the former office holders is a bar to the Plffs' claim
5. The Deft (Appellant) held the office for 6 years.

The Lower Court has held (1) that the suit was in time as far as the 1st Pltff (Respt.) was concerned, his age in 1890 being fixed at 21 years; (2) Patel Liuse Sundar's minor for neglect of duty seemed in no way to have debarred his heirs from claiming his appointment in their own right (Rule 43 cl. (6) of the Revenue Rules).

The main points for decision are —

1. Can the Pltff (Respts) maintain the suit?
2. Is the suit barred?
3. Is the Patel Haik forfeited by failure to supply Dawk Bullocks?

Exhts A & H were produced for the Pltff. (Respts)
2 Exhts I & IV for the Deft (Appellt).

Exhts B & C are the
orders issued for the
removal of Lutfe
Sunda & for the appoint-
ment of the Appellant
respectively. Exh: G
is the genealogical
tree produced.

Exh: I shews that
the 1st: Respt: was 15 yrs:
of age in 1881 but the
lower Court attaches
very little value to this,
as it was prepared
by the Appellant (Deft:),
but relies upon the
evidence of the witness
Mallam ma & Ramjaffa
(Sub-Asst: Surgeon).

Exh: II is a state-
ment dated 15 Dec: 74
given by Lutfe Sunda
before the Assistant
He states, here that he
cannot supply bullocks
He may even be re-
moved from the Ratchi

The records show that a special allowance ("Visesha Kamanook") under the Police Rules is now given to the Hirasanja Patel for such duties as supplying 'dewak' bullocks &c:

21/6/92

(5 a.)

In 1554 of 1891

Respts

Nitha
Gurimallia
of Hiregunja
Chetti Ramanjulu

1 Dammegowda
2 Mahadevagowda
minor, by his son
& next friend

Since 1874, the Respts' predecessors-in-title

In the Paikha Sanje Settlement in the latter
of this Respt & the
father of the 2d Respt (Kempegowda)
was appointed Patell of
Hiregunja, but he was dismissed
in
the Hamlet Rayanahalli in 1876,
father of the 2d Respt who also
having failed to keep dank bellows, & applied
was
for his brother-in-law's appointment in his place
in 1881, the Dy Comr of Tumkur Rangantappa also
the Appt, on the ground that a Patell for it separately
was unnecessary. In 1890, the 1st Respt brought
the suit for the office for which
undersigned & obtained
a decree in his favor. —
In 1890, the Respts brought a suit for the office
& obtained a decree in their favor. The appt
is against this decision. —
The present case came on
Consolidated to the 1st Respts suit
in 1890, & that as the latter was decided in
1890, it was not known that

~~year of 1876.~~

It is considered that the finding of the Court in regard to the age of the 1st Respt is not correct, but that is of no consequence, since the 2d Respt, the son of the deceased man is still alive & is entitled to the Office. The only point for consideration is; whether the 2d Respt's claim can be considered as he [illegible] who was dismissed in 1876 is still alive. But considering the very trifling neglect for which he was removed, & the fact that no objection to the 2d Respt's being appointed as Patel, [illegible] will be directed accordingly.

192

No crew [illegible] for week
It [illegible] was decided
[illegible] & [illegible]
does not seem to be
entitled to any
consideration.
[illegible]

Read
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

7/7/92

stated to have been ... 9 ... on the ...
... 9.3.91 ... present as in item 19.
that is, a few months ... 19. (Vice Blanket).

7/7/92

1559R
6-10-91

In the Court of the Deputy Commissioner

Revenue S. A. No. 1 of 1891.

Appeal No: 112 of 91.

Gurumalliah ..... Defendant and appellant.

vs

1. Sammegowda .....
2. Kachadevegowda minor by guardian Nallamma ..... } Plaintiffs and Respondents.

The defendant above named begs to prefer this appeal on the following grounds against the decision of the Deputy Commissioner of Chickmagalur finding that the decision of the General Assistant Commissioner passed in Revenue Suit No 1 of 1891 must be treated as his and virtually confirming it.

I

~~The same are herewith produced~~

5-1/2 October 1891.
Bangalore

Yours &c
Advocate for the
Appellant.

No. 58. K (21)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 1659
dated 5th December 91 received at the
Dewan's Office from Lieutenant Colonel J. Price
Resident in Mysore
Talcad

is forwarded, together with its three
enclosures, to the Hon'ble Secretary,
Revenue Dept. for submission
of Papers and a Precis
thereof

By Order,

Chief Secretary.

BANGALORE,
9th 1891.

16/11/91
Papiers à lire
ci inclus
16/11

CR 139-91-3

Returned to the Council

Mde 10/3/92

H 10/3/92

Hearing on 23rd June 1892

H 1/4/92 Mde 1/4/92

Note

(General Serial No. 8094)

OFFICE OF THE 1891 DEC 21 P.M. DEWAN OF MYSORE

From

To The Chief Secretary to the Government of Mysore

Dated

Despatched 23rd November

Received

Enclosures No. Corrs:

General No. 4437/1891-92
No. 3

Submitting proceedings in the Regular Revenue Suit No 1 of 91 on the file of the Civil Court—

Petition &c
as
7/12/91

Submitted to the Council
7th Dec 1891 MC

32
2-12-91

15

No 443 Dy Commrs Office
Kadur District
Dated Chikmagalur 25 Nov
91

To

The Chief Secretary
to the Govt of Mysore

Sir,

I have the honor to submit, as
called for in Memo No 58 dated 9/16
Nov 91, the Proceedings in the Regu
lar Revenue Suit No 1 of 1891 on the
file of the General Assistant Comr
of this District.-

As the case has been fully sta
-ted in the English judgment accom
-panying the above record and in the
English correspondence ending with
the Govt Proceedings No 4136/144 dated
27 July 1890, no separate precis is
submitted.-

The appeal petition is returned
with its accompaniments.-

I have the honor to be
Sir,
Your most Obdt Servt
HH Rice
Dy Commissioner.

Amd

(General Serial No. 30.)

1892.

From

The Chief Secretary
to the Durbar of Mysore.

LR 139-91-f1

To

The Dy. Comm^r,
Kadur Distt.

Dated 6th

Despatched July 1892.

Received

Enclosures No.

General No. 600

P.J. No. 56

Setting aside the claim of Appellant Gurimallaih, Patel of Kire Gonja, Chikmagalur Dt., and directing the appointment of 2nd Respt Mahadeva Gowda as Patel.

References to be marked.

(5) LR 139-91-5

Before the Government of *His Highness* the Maharaja of Mysore.

Appeal No. 1559 of 1891 92

Appellant.	Vs.	Respondent.
Gurumallix of Hirejanja, Chikkanayakan Hatlick.		1 Jannejanda 2 Subbadevarajanda minor, brother's son of the 1st minor

Decision. 27/6/92

In the Fakira Pahji settlement of 1874 the brother of the 1st Respondent and father of the 2nd Respondent (Linga Jangama) was appointed Pattail of Hirejanja, but he was dismissed in 1876, for having failed to keep Sarkar Cowries, and Appellant who was his brother-in-law appointed in his place.

2 In 1890, the Respondents brought a suit for the Office and obtained a decree in their favour. The appeal is against this decision.

3. The Assistant Commissioner who decided the case held that the 1st Respondent was 21 years old in 1890, and that as the suit was filed in October 1890, it was not barred.

4. It is contended that the finding of the

Lower Court in regard to the age of the 1st Respondent is not correct, but this finding is not material, since the 2nd Respondent, the son of the dismissed man, is still alive, and is undoubtedly entitled to the office. The only point for consideration is whether the 2nd Respondent's claim can be now considered as his father who was dismissed in 1876 is still alive and is living with him (2nd Respondent). But considering the very trifling neglect for which he was removed, the Government who has attained majority subsequent to the institution of the suit, see no objection to the 2nd Respondent being appointed as Patel, ~~and the 2nd Respondent~~ being made to act for him and this will be directed accordingly.

"By order"
Chief Secretary

6/7/92

No 670.

Per Mail 56 of 4-7-92 Rec'd

Copy to the Deputy Commissioner Kaira District with the usual forms received with his No 443 of 25th November /91.

"By order"
Chief Secretary

Draft

No. 1557

Appellant

Gowdanakeri

of Hirisanja

Chikkanayakan Taluka

LR 1489-91-6

Respondents

1 Jakkanna Gowda

2 Mahadevagowda

minor, brother's son

of the 1st

Endorsement.

In reply to his Petition dated 5th October 91, Appellant is informed that his appeal has been dismissed

2 The enclosures are returned.

~~is informed that~~

By Order,

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

June 1892

Chief Secretary.

No. 1264

10 — 12 — 92.

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
10th Dec — 1892.

Endorsement granted to Gavemadlia Subbaraya, Chikmagalur Taluk,
in reply to his Petition Registered No. 204 dated 3rd Nov 1892.

Petitioner is informed that Government see no reason to reconsider the decision already passed in the case.

2. The enclosures are herewith returned.

"By Order,"

Draft

Chief Secretary.

Mysore Govt. Central Press, Bangalore.—5-7-92—1000.

20

Ref. to 1394-97-7

2-12-92

(General Serial No. 52.) (7)

1892.

No. 1264

Name of Petitioner. Gurumallia

Village. Neregouja

Taluk. Chikmagalur

District. Kadur

Date of Arzi. 3/11/92

Date of Receipt. 26/11/92

Date of Disposal.

No. of Enclosures. 8

Inform Petr. that Govt. see no reason to reconsider the decision already passed in the case.

B.O. 4/12/92

Govt. Ord approved by the Council

4/12

ABSTRACT.

Petitioner prays that the decision of the Council in appeal No 1359 of 91-92 dated 27/6/92 may be reviewed

SV 2/12

Abstract translation of the Petn:—

The Respondents, Gaudagouda & Lamegouda being incompetent gave up, of their own accord, their Kuk to the

Mysore Govt. Central Press Bangalore—7-9-92,—1000

Patel of the Gonja, and
the Govt declared the entire
bak upon the Appellant
and it has been in his enjoyment
for more than 12 years. Although
the Respondents' suit was
time barred
case by Canon 4 the Govt
decided the case in his favour.

The Appellant prays that
the decision may be reviewed
on the grounds,-

1 that the bak was declared
upon him by the Government
illegally, and

2 that the Respondents have
no cause of action against
him since the office has
not given him anything to his
relationship, since the
Barawara was never in the
name of the Respondents and
since he did not discharge
the duties of the office as a
Gunmasa.

S/C 5/12

(6)

MYSORE REV
PETITION
REGD. NO. 1764(R)
DATE 28-11-92

The Registrar
Financial Cases

I The plaintiffs' suit is time-barred.

II. The office of potele was not hereditary in the plaintiffs' family.

III The plaintiffs have no right to the potele either jointly or severally, and cannot maintain the present Suit.

IV The order of the dismissal of the former office-holders is a complete bar to the plaintiffs' claim to the office.

V It will be unjust to deprive the defendant of the office after 16 years' service and compliance with the order of the Government in respect of the supply of bullocks &c-

VI The defendant prays that the plaintiffs' suit may be dismissed, and he be confirmed in his potele.

VII. The defendant further prays that the Deputy Commissioner may be directed to stay the execution of the decree under appeal until the final disposal of this.

N.B. An authenticated copy of the judgment and decree of the General Assistant Commissioner and an endorsement-order of the Deputy Commissioner confirming the